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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

वित्त संचालय
(प्रशासनिक कार्य विभाग)
(वैकीय प्रभाग)
अन्विष्ट

नई दिल्ली, 19 जनवरी, 1990

का. आ. 51(अ) बैंककारी विनियमन अधिनियम, 1919 (1949 का 10) की धारा 56 के खण्ड (घ) के साथ पठित धारा 15 की उपधारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त धारा 15 की उपधारा (1) के अंतर्गत भारतीय रिज़र्व बैंक द्वारा दिए गए आदेश पत्र पर विचार करने के बाद बांद्रा पोस्टल कोऑपरेटिव बैंक लि. बांद्रा, बम्बई-400050 (जिसे इसके पश्चात् 'महकरी बैंक' कहा गया है) के संबंध में एनर्द्ध द्वारा 19 जनवरी, 1990 को बैंक का कारोबार बंद होने से लेकर 19 मई, 1990 तक और उस दिवस को मिला कर अधिस्थगन आदेश जारी करती है, जिसके अनुसार अधिस्थगन आदेश की अवधि के दौरान महकरी बैंक के विरुद्ध सभी कार्यवाहियों का गण किया जाता अथवा शुरू की गई कार्यवाहियों को जारी रखना रद्दगुण किया जाता है, किन्तु यह है कि इस प्रकार के अधिस्थगन का किसी भी प्रकार में महाराष्ट्र कोऑपरेटिव सोसाइटी

अधिनियम 1960 के अंतर्गत महाराष्ट्र सरकार द्वारा प्रयोग में लाए जाने वाले उसके अधिकारों पर प्रतिकूल प्रभाव नहीं पड़े।

2. केन्द्रीय सरकार, एनर्द्ध द्वारा यह निवेदन देती है कि स्वीकृत अधिस्थगन की अवधि के दौरान यह महकरी बैंक, भारतीय रिज़र्व बैंक की लिखित पूर्वानुमति के बिना कोई ऋण अथवा अधिम नहीं देगा, किसी अधिम का नवीकरण नहीं करेगा, बैंक की किसी परिसम्पत्ति का अन्य संक्रमण अथवा निपटान नहीं करेगा, किसी प्रकार या वाणिज्य स्वीकार नहीं करेगा, कोई निवेदन नहीं करेगा अथवा अपने दायित्वों और देनदारियों के संबंध में अथवा अन्यथा किसी प्रकार की श्रद्धाओं नहीं करेगा अथवा अदायगी करेगा, स्वीकार नहीं करेगा अथवा किसी प्रकार का समझौता अथवा टकराव नहीं करेगा किन्तु यह निम्नलिखित तरीके से और निम्नलिखित गोमा तक यथाविविध श्रद्धावशियों अथवा खर्च करेगा :

(1) प्रत्येक बचत बैंक अथवा जालू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते की शेष रकम में से 250 रुपये से अधिक राशि, जिसमें 26 दिसम्बर, 1987 के बाद भुगतान की गई राशि यदि कोई हो, शामिल है, करने हुए बराबर कि अदा की गई रकम की कुल सीमा किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम से खाते में जमा कुल राशि 250/- रुपये से ज्यादा न हो।

(ii) Out of the balance in every savings bank or current account or in any other deposit account, by whatever name called, a sum not exceeding Rs. 250 including the amount, if any, paid after 26th December, 1987.

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed Rs. 250;

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way:

- (ii) the amounts of any drafts or pay orders or cheques issued on or before 26th December 1987 by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (iii) The amounts of the bills received for collection on or before 26th December 1987 whether realized before, on or after that date;
- (iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by or against, the Co-operative Bank, or for realizing any amounts due to it;

Provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 600/-, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred;

- (v) the amount of premium payable to Deposit Insurance and Credit Guarantee Corporation; and
- (vi) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank;

Provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or where no expenditure has been incurred on account of that item during the said period and the expenditure on such item exceeds the sum of Rs. 250/-, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of moratorium granted to it, the Co-operative Bank—

- (a) may make the following further payments, namely, the amounts necessary for repaying

loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of Maharashtra or the Maharashtra State Co-operative Bank Ltd. or Bombay District Central Co-operative Bank Ltd., or the State Bank of India or any of its subsidiaries or by any other and remaining unpaid on the date on which the order of moratorium comes into force;

- (b) may operate its accounts with the Maharashtra State Co-operative Bank Ltd., or with any other bank for the purpose of making the payments aforesaid;

Provided that nothing in this order shall be deemed to require the Maharashtra State Co-operative Bank Ltd., or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

- (c) may return any bills which have remained unrealized to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in such bills;
- (d) may release or deliver goods or securities which have been pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft, in the manner and to the extent—
 - (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally, and
 - (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher.

[F. No. 6-4/89-AC]

P. K. TEJYAN, Under Secy.

